

Application No. 10/647,489

REMARKS

The Examiner's rejection of Claims 22 and 23, which rejections are traversed, particularly since the claims are directed to one of ordinary skill in the art, and it is believed that the claims are not vague simply because the word "or" has been used, these claims have been clarified as indicated and in accordance with the Examiner's suggestions.

The nonstatutory double patenting rejection, reference page 2, paragraph 3, of the Official Action is traversed with respect to Claims 1 to 20 and 30 to 32 over U.S. Patent 6,830,860, and with respect to Claims 21 to 26, 28 and 29 with respect to U.S. Patent 6,841,329 in that the Examiner has not provided sufficient basis to render the aforementioned rejection, it being noted that the toner of rejected Claim 1 recites a mixture of a semicrystalline polymer and amorphous polymer and a crystalline polyolefin. The Examiner has not established that such a mixture overlaps with the claims of the patents being used for the double patenting rejection. However, to expedite prosecution Applicants are submitting herewith a Terminal Disclaimer whereby any patent resulting from the present application will expire simultaneously with the earliest of the expiration dates of U.S. Patent 6,830,860 and U.S. Patent 6,841,329.

Accordingly, in view of the submission of the Terminal Disclaimer it is believed that the Examiner's combination rejections with respect to other prior references referred to on pages 2 and 3 of the Official Action are no longer believed to be applicable.

Applicants appreciate the Examiner's indication of the allowance of Claims 24 and 33.

Accordingly, it is respectfully urged that the Examiner reconsider his positions and allow the present application.

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In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby requested to call Eugene O. Palazzo, at Telephone Number 585-423-4687, Rochester, New York.

Respectfully submitted,



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